IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

Synthes Spine Company, LP,)	
Plaintiff,)	Civil Action No. 2:07-21-CWH
VS.)	
4Spine, LLC, and Innovative Orthotics &)	
Rehabilitation, Inc.)	ORDER
Defendants.)	

On February 7, 2007, the plaintiff served a subpoena on Robert Walden ("Walden"). The subpoena demanded the production of Walden's 2004 and 2005 tax returns. The subpoena directed Walden to produce the returns to the Charleston office of Nelson, Mullins, Riley, and Scarborough on February 14, 2007. The plaintiff's attorney issued the subpoena under the authority of this Court. Fed. R. Civ. P. 45(2)(C) and (3).

The subpoena arises out of an action filed by the plaintiff in the United States District Court for the Eastern District of Pennsylvania. The Honorable Legrome D. Davis, United States District Judge for the Eastern District of Pennsylvania, presides over the action. On January 17, 2007, Judge Davis issued a Third Amended Scheduling Order in which he ordered all fact-based discovery completed by February 7, 2007.

On February 13, 2007, Walden filed a motion to quash the subpoena. Walden alleges, *inter alia*, that the subpoena requests discovery after the fact-based discovery completion deadline set forth in Judge Davis's order.

The Court interprets the order to prohibit discovery requests that demand compliance after the February 7, 2007, deadline. The subpoena violates the order by demanding production

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of the tax returns seven days after the expiration of the fact-based discovery deadline. Therefore, the Court grants the motion to quash the subpoena.

AND IT IS SO ORDERED.

C. WESTON HOUCK UNITED STATES DISTRICT JUDGE

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June 20, 2007 Charleston, South Carolina